

United States District Court
Northern District of California

In re ED DWAYNE SMITH,

Case No. 22-cv-00103-DMR (PR)

ORDER OF TRANSFER

This action was opened on January 7, 2022, when the court received a letter from Plaintiff, who is in custody at the California Medical Facility (“CMF”) located in Solano County. Dkt. 1. On the same date, the Clerk of the Court notified Plaintiff in writing that his action was deficient in that he had not submitted his complaint on a proper complaint form and had not submitted an *in forma pauperis* application. Dkts. 2, 3. In addition, the Clerk notified Plaintiff in writing that this matter has been assigned to the undersigned Magistrate Judge. Dkt. 4.¹

Further review of Plaintiff's case reveals that, in addition to failing to submit the proper documents, he has also initiated his civil action in the wrong judicial district. Plaintiff complains about constitutional violations by prison staff at CMF. *See* Dkt. 1. Thus, the acts he complains about occurred in CMF, which is located in the Eastern District of California, and it appears that Defendants reside in that district. Venue, therefore, properly lies in that district and not in this one. *See* 28 U.S.C. § 1391(b).

Accordingly, in the interest of justice and pursuant to 28 U.S.C. § 1406(a), this action is TRANSFERRED to the Eastern District of California.² The Clerk shall transfer the case

¹ To date, Plaintiff has not yet returned the form indicating whether he consents to or declines magistrate judge jurisdiction in this action.

² Venue transfer is a non-dispositive matter and, thus, it falls within the scope of the jurisdiction of the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(A).

1 forthwith.

2 If Plaintiff wishes to further pursue this action, he must complete the complaint form and
3 *in forma pauperis* application required by the United States District Court for the Eastern District
4 of California and mail them to that district.

5 IT IS SO ORDERED.

6 Dated: January 11, 2022



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8 DONNA M. RYU
United States Magistrate Judge
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